

TITLE 23: EDUCATION AND CULTURAL RESOURCES
 SUBTITLE B: CULTURAL RESOURCES
 CHAPTER I: SECRETARY OF STATE

PART 3035
 ILLINOIS STATE LIBRARY GRANT PROGRAMS

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106 AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10],
 107 the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library
 108 Services and Technology Act (20 U.S.C. 9141 et seq.), the Accessible Electronic Information
 109 Act [15 ILCS 323] and 36 CFR 701.6, and Section 3 of the Capital Development Bond Act of
 110 1972 [30 ILCS 420/3].

111

112 SOURCE: Adopted at 31 Ill. Reg. 16310, effective November 20, 2007; amended at 32 Ill. Reg.
 113 9666, effective June 23, 2008; amended at 33 Ill. Reg. 4180, effective February 27, 2009;
 114 amended at 35 Ill. Reg. 18366, effective October 18, 2011; amended at 36 Ill. Reg. 12385,
 115 effective July 18, 2012; amended at 37 Ill. Reg. 4348, effective March 19, 2013; amended at 37
 116 Ill. Reg. 18922, effective November 7, 2013; amended at 39 Ill. Reg. 5218, effective March 20,
 117 2015; amended at 40 Ill. Reg. 2808, effective January 22, 2016; amended at 44 Ill. Reg. 1990,
 118 effective January 7, 2020; emergency amendment at 44 Ill. Reg. 6157, effective April 6, 2020,
 119 for a maximum of 150 days; emergency expired September 2, 2020; amended at 46 Ill. Reg.
 120 6614, effective April 7, 2022; amended at 47 Ill. Reg. _____, effective _____.

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122 SUBPART A: STATE GRANTS

123

124 **Section 3035.100 System Area and Per Capita Grants**

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126 Application for Annual Per Capita and Area Grants to the library systems shall be made to the
 127 State Librarian prior to July 1 of each year and shall consist of the following:

128

- a) An annually updated plan of service. The plan of service shall clearly indicate how the proposed expenditure of State funds in the ensuing fiscal year will be utilized for the provision of member services within the goals for Illinois Library systems.
- b) The estimated system budget for the ensuing fiscal year based on current year funding with a contingency plan for anticipated funding for the ensuing year.
- c) Either of the following:
 - 1) Certification that the library system has adopted the American Library Association's Library Bill of Rights *that indicates material should not be proscribed or removed because of partisan or doctrinal disapproval* (American Library Association, 225 North Michigan Avenue, Suite 1300, Chicago IL 60601; <https://www.ala.org/advocacy/intfreedom/librarybill>; the material incorporated by reference includes no later amendments or editions) [75 ILCS 10/3]; or
 - 2) A written policy, adopted by the library system's board of directors, that indicates the library system will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material.
- d) Certification that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the library system agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 3035.115 Public Library Per Capita and Equalization Aid Grants

- a) To be eligible for a per capita or an annual equalization grant, a public library shall show that it will either meet or show progress toward meeting Serving Our Public 4.0: Standards for Illinois Public Libraries (current version~~2019~~) (produced by the Illinois Library Association, 560 W. Washington Boulevard #330, Chicago IL 60661~~33 West Grand Avenue, Suite 401, Chicago IL 60654-6799~~). The material incorporated by reference includes no later amendments or editions. A grant applicant must raise or improve its performance levels in relation to the standards, when those levels are below the standards, according to objectives, time frames, and priorities the library shall state in its application for a grant, and that it shall also state are consistent with the terms of the plan of

service of the system of which it is a member. (See Section 8.1(1) of the Illinois Library System Act [75 ILCS 10].) The applying library must be in good standing and meet the criteria of a "full member library" or a "developmental member library" as defined in 23 Ill. Adm. Code 3030.110. Pursuant to 75 ILCS 10/3, the applying library must certify that it has adopted either the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy, adopted by the public library's board of trustees, that indicates the library will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material. The applicant library shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the library agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.

- b) *Application for annual equalization grants and per capita grants to public libraries shall be made each year.* (Section 8 of the Act) Whenever an applicant library reports any changes in the population count for the eligible service area population, ~~then~~ the applicant library ~~must~~shall submit with the grant application the appropriate supporting legal documentation for the population count change. The Illinois State Library ~~will~~shall validate the eligible service area population of a public library using the latest census of the population of Illinois, or of a municipality or parts of a municipality, as prepared and submitted to the Secretary of State's Index Department by the federal government and certified by the Secretary of State in accordance~~accord~~ with the application deadline date established by the Illinois State Library.
- c) For a public library to qualify for a per capita grant, it must be a member of a library system and not under suspension. The application shall show that grant funds will be used to meet or make progress in meeting Illinois library standards cited in subsection (a).
- d) A public library that receives a per capita grant and or equalization aid and contracts for service with another public library must, within 30 days after receipt of the grant funds, remit the entire amount to the public library that provides the service.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 3035.120 School District Library Grant Program

- 214 a) To be eligible for a School Library Grant, the applicant must be an Illinois public
 215 school district and a member in good standing of a regional multitype library
 216 system; or have made application for system membership 90 ~~days before~~~~day prior~~
 217 ~~to~~ the grant application deadline and be approved for membership prior to the
 218 following January 15. The applying public school district must certify pursuant to
 219 75 ILCS 10/3 that the public school district has adopted either the American
 220 Library Association's Library Bill of Rights that indicates materials should not be
 221 proscribed or removed because of partisan or doctrinal disapproval or provide
 222 written procedures, currently in effect at the school district, that indicates its
 223 library or libraries will protect the intellectual freedom of the library user and
 224 shall prevent censorship of its library materials, ensuring that items are not
 225 withdrawn from its library collection merely because individuals or groups object
 226 to the material. The applicant public school district shall certify that for grants
 227 made under this Section on or after January 1, 2024, and upon request of the State
 228 with any final decision for the reconsideration of library materials during the term
 229 of the grant award.
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- 231 b) To qualify for a grant under this Part, a school library must meet the criteria in
 232 Section 8.4 of the Act.
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- 234 c) Application for School Library Grants shall be made each year.
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- 236 d) The applicant shall show that grant funds will be used to support the services of
 237 the district's school library media program. The grant may not be used for the
 238 construction of a new library or for capital improvements to the existing library.

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 240 (Source: Amended at 47 Ill. Reg. _____, effective _____)
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242 **Section 3035.125 Library Grants for Veterans' Homes**

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- 244 a) Pursuant to Section 8.6 of the Act, this Section establishes the application
 245 procedures for veterans' home library grants.
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- 247 b) The application ~~must~~~~shall~~ be submitted to the Illinois State Library in a manner
 248 prescribed by the State Librarian. The applicant shall provide the information
 249 stipulated in Section 3035.135(d). The application ~~must~~~~shall~~ include:
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- 251 1) A statement on the proposed use of the grant for which application is
 252 being made that ~~details~~~~shall show~~ how grant funds will be used for library
 253 services to residents. Grant funds are eligible to be used in support of
 254 library services and activities, including library staffing, materials, and
 255 equipment.
- 256

2) Pursuant to 75 ILCS 10/3, the applicant must certify that the applicant has adopted either the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the applicant agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.

32) Other requirements established by the Illinois State Library.

- c) Illinois State Library staff will evaluate the applications, and the State Librarian will make final funding decisions.
- d) The application will be funded according to the amount of funding available based on demonstrated need. Criteria will also include whether the plan of operation contains information about the project goals and objectives, the methods used to achieve these goals and objectives, and the involvement of staff in providing library service.
- e) In order for an application to be considered, the veterans' home must be providing library services to the residents at the time of application.
- f) In accordance with Section 3035.140(b), the applicant shall submit reports on the use of grant funds as required by the Illinois State Library

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 3035.130 ~~Educate & Automate Automation~~/Technology Grants

a) Competitive Grants

- 1) Application for purchases of equipment and services that support library development and technological advancement (see Section 8.5 of the Act) in libraries shall be made prior to July 1. Applicants shall use the forms prepared and made available by the State Librarian for this purpose.
- 2) Criteria will include whether the project plan contains information about the project goals and objectives, the methods used to achieve these goals

and objectives, the number of people to be served, and whether the proposed budget is reasonable in view of the proposed goals.

3) The applicant must certify, pursuant to 75 ILCS 10/3, that the applicant has adopted either the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection because individuals or groups object to the material. An individual school library or public school district applicant may provide written procedures, currently in effect at the school or school district, that indicate its library or libraries will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the applicant agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.

~~4~~3) The number of grants to be awarded is at the discretion of the State Librarian.

~~5~~4) Applicants must meet requirements designated by the State Library for public access to electronic information and technology.

b) Direct expenditures by the State Librarian may be made to support library development and technological advancement in libraries (e.g., upgrading library catalogs and databases, webinar platforms, digitization of newspapers, online catalog for talking books for the blind) (see Section 8.5 of the Act).

c) Funding awarded under subsections (a) and (b) may be used for any or all of the following purposes:

1) Telecommunications costs for electronic networks for ILLINET libraries and library systems;

2) Computer hardware and software for ILLINET libraries and library systems;

- 3) Access to electronic information by the general public through ILLINET libraries;
 - 4) Converting special collections and rare materials in ILLINET libraries into digital format, making them accessible by computer to students, researchers, and the general public;
 - 5) Library organizations are eligible for ~~Educate & Automate Automation~~ Technology Grants for purposes stipulated in this subsection (c). Library organizations must draw their membership from librarians or various types of libraries as defined in Section 3035.10. Their headquarters must be within the State of Illinois. Their mission must have the charge for promotion, provision, development, and improvement of libraries and library services, and be based in Illinois.
- d) The applicant shall submit reports, in accordance with Section 3035.140(b), on the use of grant funds as required by the Illinois State Library.
 - e) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 3035.135 Requirements, Denial, and Revocation of Approval

- a) Libraries shall complete, on an annual basis, the certification process required for library system membership in order to apply for a grant under this Part.
- b) ~~A grant applicant~~ Grant applicants must demonstrate in ~~its~~ their grant applications that ~~it has~~ they have satisfactorily met all requirements and ~~possesses~~ they possess the administrative capacity to perform the program, fiscal, and reporting functions stipulated in this Part.
- c) The Illinois State Library may deny a grant application if the requirements in this Part are not met, or are inadequately met.
- d) Grant applicants ~~must~~ shall use the grant application format prepared and made available by the State Librarian for this purpose. The applications are available at <http://www.ilsos.gov/departments/library/grants/home.html> ~~http://www.cyberdriveillinois.com/departments/library/grants/home.html~~. The applicant shall provide:

- 1) Project Director
- 2) Administrative Capacity
- 3) Project Title
- 4) Abstract
- 5) Primary Purpose
- 6) Project Description
- 7) Target Audience and Need
- 8) Project Schedule
- 9) Outcomes, Evaluations, and Methods
- 10) Detail and Explanation of Expenses

e) Grant applications not submitted in the required format by the deadline date, or not completed, ~~will~~~~shall~~ not be considered for funding by the Illinois State Library.

f) Any agency submitting a grant application not considered for funding by the Illinois State Library ~~will~~~~shall~~ be notified, explaining the reason for denial.

g) The Illinois State Library ~~will~~~~shall~~ provide for hearings to reconsider decisions made in the administration of this Part, as provided for in Section 3035.150.

h) Grants made under this Subpart are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Fund Recovery Act controls.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 3035.140 Grants, Expenditures, and Audits

a) The Illinois State Library staff shall review grant applications. Additional qualified reviewers may be selected by the Director of the Illinois State Library as needed. If a grant reviewer has an application in competition or a conflict of

interest during a review cycle, that grant reviewer shall not serve on the related review committee during that cycle. The decision of the State Librarian is final.

- b) The Illinois State Library will notify the submitting agency when the application is approved for contractual purposes. As stipulated by the grant agreement, the following reports will be completed and transmitted to the Illinois State Library:
 - 1) Quarterly narrative and financial reports showing expenditures made from grant funds by line item.
 - 2) Final narrative and financial reports evaluating the degree to which the grantee achieved the goals and objectives of the project.
- c) Changes in the project budget of over 10 percent of the grant award shall have prior approval in writing from the Illinois State Library. Recipients of the Public Library Per Capita and Equalization Aid Grants, the School Per Capita Grant, ~~Live and Learn Construction Grant~~ and Public Library Construction Grant shall follow the requirements in Sections 3035.115, 3035.120, 3035.450(b)(2)(H) and 3035.540(h), respectively.
- d) Failure to spend funds in accordance with the application or approved amendment and the reporting procedures stipulated in this Part shall result in ineligibility for future grants for a period of one year.
- e) Pursuant to 75 ILCS 10/3, failure to maintain and abide by the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or the applicant's/grantee's written policy or procedure declaring the inherent authority of the applicant to include a prohibition of the practice of banning specific books or resources, will result in revocation of the grant award pursuant to the Grant Funds Recovery Act [30 ILCS 705].
- f) All State funded grantees receiving grants under Subparts A, B, D, E, F and G ~~with~~at a combined cumulative total of \$175,000 or more in ~~these~~Secretary of State grant awards in the same fiscal year shall submit an ~~agencywide~~agency-~~wide~~ audit upon completion of the grant activity.
 - 1) All governmental unit audits shall comply with Government Auditing Standards (also known as "GAGAS" or the "Yellow Book") (2018 Revision), published by the Comptroller General of the United States, Government Accountability Office, 441 G. Street, NW, Washington DC 20548 (<http://www.gao.gov/yellowbook>). No later amendments to these standards are incorporated in this Section.

- 2) All not-for-profit agency audits will comply with " Not-for-Profit Entities AICPA Audit and Accounting Guide: April 2017, published by the American Institute of Certified Public Accountants, 1345 Avenue of the Americas, 27th Floor, New York NY 10105 (<http://www.aicpa-cimaiepa.org>). No later amendments to these standards are incorporated in this Section.

- gf) The Illinois State Library may request additional information and data from any governmental unit, not-for-profit agency, public corporation, or other entity submitting a grant application.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART D: PUBLIC LIBRARY~~LIVE AND LEARN~~ CONSTRUCTION GRANTS

Section 3035.435 Grant Funding Limitations

Fiscal limitations on library building construction grants under Section 8 of the Illinois Library System Act shall include the following:

- a) The public libraries in any one county shall not receive more than 50% of the funding in each application round unless there are insufficient applications from libraries in other counties to expend the entire appropriation. Grants to library systems shall not be included in calculating this 50% limitation.
- b) The maximum grant for each library political unit shall be \$125,000 per annual funding cycle; unless there are insufficient applications from other political units to expend the entire appropriation. This subsection (b) shall not be used to award grants in excess of the maximum grants per project specified in subsection (c).
- c) The minimum grant awarded for mini-grants shall be \$2,500. The minimum grant awarded for projects other than mini-grants and remodeling for accessibility shall be \$25,000. The maximum grant awarded for mini-grants shall not exceed \$35,000; the maximum grant awarded for remodeling for accessibility projects shall not exceed \$50,000; and the maximum grant awarded for other projects shall not exceed \$125,000.
- d) Priority will be given to a library that has not received any construction funding, whether under a library construction grant program or a specific appropriation from the Secretary of State, during the three prior State fiscal years, including the current State fiscal year.
- e) For projects of a unique nature or resulting from a disaster, the Secretary of State, on the advice of the Illinois State Library, may raise the ceiling, award less than

the minimum grant amount, make a special grant award, ~~and~~/or allow for consecutive years of funding.

- f) Grant contracts awarded under this Part must be signed within 90 days after the grant award notification.
- g) A public library may only apply for either a Public Library ~~Live and Learn~~ Construction Grant or a Public Library Construction Act Grant in the same award year.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 3035.450 Grant Application Procedure

The following application procedures shall apply:

- a) The Illinois State Library shall issue application forms for library construction grants under this program.
- b) Applying libraries and library systems shall submit a signed, completed current library construction grant application, together with the following documents or written assurances, to be eligible for library construction grants. To be eligible for a Public Library Construction ~~Live and Learn~~ Grant, the applicant shall provide:
 - 1) Application Phase
 - A) The assurances contained in this Section, as listed in the Construction Grant Application Form.
 - B) A statement describing the necessity for the proposed project.
 - C) A statement of plans to meet existing library standards of service, Serving Our Public 4.0: Standards for Illinois Public Libraries (current version ~~2019~~), incorporated by reference in Section 3035.115. This subsection (b)(1)(C) shall not apply to library systems.
 - D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
 - E) An affirmative statement that the applicant or its officers, directors, or managers do not have any conflicts of interest or apparent

conflicts of interest that may impair the fairness and impartiality of the grant process. A conflict of interest may arise when an entity or person may benefit financially from a decision that could be made in that capacity, including indirect benefits such as to family members or businesses with which the person is closely associated.

- F) A facility plan. For projects with a total cost of over \$150,000, a library building consultant may work with the library in developing the facility plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].
- G) For projects with a total cost equal to or greater than \$75,000, assurance that an architect or engineer licensed to practice in Illinois is being utilized.
- H) Project design, with a site plan, outline of specifications, and an estimated cost per square foot.
- I) A letter from the Historic Preservation Division of the Illinois Department of Natural Resources evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].
- J) For new construction, additions, and projects involving evacuation of soil:
 - i) Documentation stating whether the project site is located in a Special Flood Hazard Area found at the Illinois State Water Survey's Illinois Floodplain Map website (<http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Office of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.
 - ii) A subsurface soil analysis by a soils engineer.
 - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos, lead paint, or any toxic substance. This assurance does not

apply to new buildings unless demolition of existing buildings (other than residences) has occurred or is necessary.

K) Assurance that the real estate affected by the proposed construction is available to the library or library system, as is the legal description of the affected real estate. A deed of ownership or proof of long-term occupancy (20-year minimum) shall be provided, except for mini grants~~mini-grants~~. The applicant shall provide assurance that the building will remain in use as a public library or library system facility for not less than 20 years after its construction unless other use is approved by the Director of the Illinois State Library.

L) Other funds designated for construction that are immediately available to the library upon application. Funds may include a mortgage commitment letter from a financial institution licensed by a state or the federal government. Assurances from the applicant that a referendum is pending or various fundraising activities will be undertaken in the future, with the amount to be raised remaining uncertain, shall not be counted as part of the local matching funds for the purposes of Section 3035.400.

2) Construction Phase

A) An assurance that the grantee library will expend 100% of Secretary of State library construction grant funds within 12 months after the execution of the grant agreement. If the grantee fails to submit a final report, or an audit, if applicable, within 24 months after the execution of the contract, the grant shall be forfeited unless an extension is granted by the Director of the Illinois State Library.

B) An assurance that the construction work will be performed under the lump sum (fixed price) contract method.

C) An assurance that the library will publicly announce all requirements for architectural, engineering, and land surveying services and procure these services on the basis of demonstrated competence and qualifications and negotiate contracts at fair and reasonable prices, in accordance with the Illinois Local Library Act [75 ILCS 5/5-5] and the Illinois Library District Act [75 ILCS 16/40-45].

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- D) Architectural, engineering, and land surveying contracts made in accordance with the Local Government Professional Services Selection Act [50 ILCS 510].
 - E) An assurance that adequate methods of obtaining competitive bidding will be employed prior to awarding the construction contract by public advertising in a newspaper of general circulation in the area, and the award of the contract will be made to the responsible bidder submitting the lowest acceptable bid, in accordance with the Illinois Local Library Act and the Illinois Library District Act. A copy of the advertisement, with verification of the date of publication and name of the newspaper, shall be submitted to the Illinois State Library within 10 days after publication.
 - F) No person or business shall bid, offer, make a submission, or enter into a contract with the grantee if the person or business assisted the grantee or any agent or employee of the grantee, who by the nature of the agent or ~~employee's~~ ~~employee's~~ duties has the authority to participate personally or substantially in the contract specifications, requests for bids or proposals, or otherwise by reviewing, drafting, directing, or preparing any invitation for bids, a request for proposal, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents. This subsection does not prohibit a person or business from submitting a bid or offer or entering into a contract if the person or business:
 - i) initiates a communication with an employee to provide general information about products, services, or industry best practices;
 - ii) responds to a communication initiated by an employee of the ~~library~~ ~~Library~~ for the purposes of providing information to evaluate new products, trends, services, or technologies; or
 - iii) asks for clarification regarding a solicitation, so long as there is no competitive advantage to the person or business and the question and answer, if material, are publicly posted and made available to other bidders or offerors as an addendum to the solicitation.

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- G) When, for any reason, any vendor, bidder, offeror, potential contractor, contractor, or other person suspects collusion or other anti-competitive practice among any bidders, offerors, potential contractors, contractors, or employees of the State, that person shall transmit a notice of the relevant facts to the State Librarian.
 - H) An assurance that all laborers and mechanics employed by the contractor or subcontractors on all construction projects will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Illinois Department of Labor in accordance with the Prevailing Wage Act [820 ILCS 130].
 - I) An assurance that a copy of the building permit will be supplied to the Illinois State Library prior to the actual construction and that the permit will be posted in a prominent place on the construction site.
 - J) An assurance that any change in the Plans and Specifications requiring a work change order will be submitted to the Illinois State Library. All change orders shall be subject to the Illinois Public Works Contract Change Order Act [50 ILCS 525]. The Illinois State Library shall be notified of and approve or deny any change orders of \$20,000 or more and the modification of any public areas of the grantee library from the proposed original plans of the approved grant application. The change order will be accompanied by a letter stating that there is no adverse impact on library services. Change orders do not affect the grant award amount.
 - K) An assurance that contractors and subcontractors will comply with:
 - i) all applicable provisions of the Illinois Human Rights Act [775 ILCS 5];
 - ii) all federal and State laws, rules, and regulations that prohibit discrimination because of race, color, religion, sex, marital status, national origin, ancestry, age, order of protection status, military status, sexual orientation, pregnancy, unfavorable discharge from military service, and physical or mental disability; and

iii) the ~~conflict-of-interest~~ ~~conflict-of-interest~~ provisions specified in the Illinois Procurement Code [30 ILCS 500].

L) Construction contracts signed by both the library board (or library system board) and contractors that are, or are comparable to, the Standard Form of Agreement Between Owner & Contractor A101-2017, published by the American Institute of Architects, 1735 New York Ave., NW, Washington DC 20006-5292 (<http://www.aia.org>). No later amendments to this form are incorporated in this Section. Contracts are to be submitted to the Illinois State Library prior to the start of construction; also, all subcontractors are to perform work in accordance with the conditions and standards contained in the contracts signed by the board and the Illinois State Library. The Illinois State Library shall have the right to disapprove any contracts between the library board or library system board and contractors if:

i) The bidding procedure outlined in subsection (b)(2)(E) was not followed.

ii) The conditions and standards specified in the contract between the Illinois State Library and the library board are not incorporated into the contracts between the library board or library system board and the contractors.

iii) The requirements in subsection (b)(2)(K) were not followed.

M) An assurance that a sign will be displayed on the construction site stating that State funds administered by the State Librarian are being used for the construction and that a plaque will be placed in the completed building stating that State funds administered by the State Librarian were used for the project.

N) An assurance that construction will not begin until a contract is executed with the State Librarian.

O) An assurance that construction will commence within 140 days after the effective date of the grant contract.

P) An assurance that any agent authorized by the Illinois State Library, upon presentation of credentials and in accordance with the constitutional limitation on administrative searches, will have

full access to, and the right to examine, any records, books, papers, or documents of the grantee involving transactions related to the grant.

- Q) An assurance that the following reports and records will be completed and transmitted to the Illinois State Library: quarterly narrative and financial reports; notification within 15 days after completion of the project; a close-out report that is a final financial and narrative report within 24 months after the execution of the contract, unless an extension is granted by the Director of the Illinois State Library; and other reports and documents, such as prevailing wage rates and receipts to verify vouchers, as reasonably may be required by the State Library. The final financial report shall be signed by the president of the library's board of directors.
- i) Financial reports shall show: the amount of authorized State and local funds; interest earned on grant funds; expenditures made from grant funds and from interest earned on grant funds; obligated funds, by amount of line item remaining compared to the original budget.
 - ii) Narrative reports shall state: the progress of the project; accomplishments to date; problems encountered; objectives met and unmet; changes implemented; and the percentage of completion of the project to date.
 - iii) The final narrative report shall evaluate the degree to which the grantee achieved the goals and objectives of the project. The final narrative report shall include a project audit according to Section 3035.140(e).
 - iv) For a project that requires an architect or engineer, the architect or engineer shall certify to the Illinois State Library when the project reaches the 50% and 100% stage of completion.
- R) An assurance that, when construction is complete, sufficient funds will be available for effective operation and maintenance of the facilities, in accordance with applicable federal, State, and local requirements.

S) An assurance that any interest earned on the grant funds will be expended, without limitation or exception, exclusively on the subject construction project.

c) Some of the documentation and written assurances may be waived in the application, upon approval of the Illinois State Library, except that subsections (b)(2)(F), (b)(2)(G) and (b)(2)(K) will not be waived.

d) Applications will be considered in accordance with Section 3035.420(c).

e) Grant applications are subject to the conditions stipulated in Section 3035.135.

f) Grant monies awarded are based on the amount specified in the original budget in the grant application; grant awards will not be increased because of subsequent increases in project costs.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

Section 3035.460 Requirements and Conditions of Grant Funds

a) Building Construction Plans

1) Library buildings are to be planned for ~~20-year~~ 20-year population projection (for new construction, conversions, and additions to buildings).

2) A library building consultant may work with the library in developing and implementing the public library facilities plan. The library board shall select a building consultant in accordance with the Illinois Local Library Act [75 ILCS 5/4-7] and the Illinois Library District Act [75 ILCS 16/30-55.40].

3) An architect and/or engineer licensed to practice in Illinois shall be retained by the grantee throughout the design and construction if the total cost of the project is equal to or greater than \$75,000.

4) The library must meet the eligibility criteria to qualify for per capita grants provided in Section 8.1 of the Illinois Library System Act [75 ILCS 10], and must have submitted applications for, and have been awarded, those grants for three previous fiscal years. This subsection (a)(4) shall not apply to library systems.

5) The library or library system facility shall provide access for persons with disabilities as required in the Illinois Capital Development Board's Illinois

Accessibility Code (71 Ill. Adm. Code 400) and shall display the symbol of accessibility.

- b) No grant shall be awarded to any public library or regional library system unless the building and the property ~~are~~^{is} owned fee simple by the municipality, library district, or library system, as applicable, or proof of ~~long-term~~^{long-term} (20-year) occupancy exists. The State Librarian may grant an exception for any property or building owned in fee simple by a non-profit community organization that is incorporated in Illinois, has federal Internal Revenue Service 501(c)(3) status, and has a charter specifying that the ownership of the property or building shall revert to the public library upon the dissolution of the organization. No such exception shall be granted for a regional library system.
- c) A letter of certification from the project architect or engineer, stating that the drawings represent the project as presented with the grant application, must be submitted to the Illinois State Library for approval prior to going out to bid.
- d) All contracts for library construction shall be awarded to the lowest, qualified bidder on the basis of open competitive bidding; however, if one or more items of construction are covered by an established alternative procedure used by a unit of local government and approved by the Illinois State Library as designed to assure construction in an economical manner consistent with sound business practices, the alternative procedure may be followed, to the extent consistent with State statutes and local ordinances.
- e) The library board shall establish and maintain records and accounts as will permit accurate and expeditious audits at any time before, during, and after completion of construction. The records shall be retained for not less than the time provided for by the Local Records Act [50 ILCS 205].
- f) The library board shall comply with all applicable provisions in local bidding ordinances.
- g) The applicant must certify that the applicant has adopted either the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval, or provide a written policy, adopted by the applicant's board of trustees or its board of directors, that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material.

h) The applicant must certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian the applicant agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the terms of the grant award.

ig) The library must permit statewide reciprocal borrowing.

jh) Grants made under this Section are subject to the provisions of the Illinois Grant Funds Recovery Act [30 ILCS 705]. If a provision of this Subpart conflicts with a provision of the Illinois Grant Funds Recovery Act, then the provision of the Illinois Grant Funds Recovery Act controls.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART E: PUBLIC LIBRARY CONSTRUCTION ACT GRANTS

Section 3035.520 Grant Applications

a) For projects with a total cost equal to or greater than \$75,000, an architect or engineer licensed to practice in Illinois is required. The selection of an architect-engineer shall be in accordance with the Local Government Professional Services Selection Act [50 ILCS 510]. Public libraries are allowed to choose the architect and engineer for their public library construction projects. No project may be disapproved by the State Librarian solely due to a public library's selection of an architect or engineer as stipulated in this subsection.

b) To qualify for and be eligible for a Public Library Construction Act~~public library construction~~ grant, public libraries shall apply to the State Librarian for public library construction project grants on the forms prepared and made available for this purpose. The grant application ~~must~~shall include these components:

1) A service plan statement of no more than two pages that states:

A) How the project addresses one or more ~~of~~to the five levels of priority described in Section 15-30 of the Act.

B) The necessity for the proposed project.

C) Plans to meet Serving Our Public 4.0: Standards for Illinois Public Libraries (current version~~2019~~), incorporated by reference in Section 3035.115(a).

- D) A description of the project's potential contribution to the improvement of library services within the library's area of service and in any other portions of the State.
- E) An affirmative statement that the applicant and its employees do not have any conflicts of interest or apparent conflicts of interest that may impair the fairness and impartiality of the grant process.
- F) Pursuant to 75 ILCS 10/3, the applicant must certify that it has adopted either the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy, adopted by the library's board of trustees, that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the library agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.

2) A public library facilities plan with the following components:

- A) An examination of the present and future public library facility needs of present and anticipated public library programming. Library buildings are to be planned for ~~20-year~~ 20-year population projection (for new construction, conversions, and additions to buildings).
- B) A site analysis, space needs assessment, and project design.
- C) How the library facility will provide access for the physically disabled, as required in the Illinois Capital Development Board's Illinois Accessibility Code (71 Ill. Adm. Code 400), and shall display the symbol of accessibility.

3) Supporting Documentation

- A) A letter from the Illinois Historic Preservation Office evidencing compliance with the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420].

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- B) For new construction, additions, and projects involving evacuation of soil:
 - i) Documentation stating whether the project site is located in a Special Flood Hazard Area (found at the Illinois State Water Survey's Illinois Floodplain Map website, <http://www.illinoisfloodmaps.org/>). If the project site is located in a Special Flood Hazard Area, the applicant shall submit an assurance letter from the Office of Water Resources of the Department of Natural Resources stating that the project meets the requirements of Executive Order 2006-5 regarding flood damages.
 - ii) A subsurface soil analysis by a soils engineer and environmental site assessment, if applicable.
 - iii) A site assessment by a licensed environmental/hazardous materials consultant to determine the existence of asbestos and/or lead paint. This assurance does not apply to new buildings unless demolition of existing buildings (other than residences) is necessary.
 - C) Documentation that a deed of ownership or proof of long-term occupancy (20-year minimum) is or will be available to the public library. The deed or lease agreement shall include a legal description of the affected real estate. The building must remain in use as a public library facility for not less than 20 years after its construction unless other use is approved by the State Librarian.
 - D) Funding sources and cost estimates, including the availability of local financial resources, current revenues, fund balances, and unused bonding capacity, and a fiscal plan for meeting present and anticipated debt service obligations.
 - E) A timeline of major events, including dates of the letting of bids, groundbreaking, substantial completion, occupancy, and dedication.
 - F) A maintenance plan and schedule that contains necessary assurances that new, renovated, and existing facilities are being or will be properly maintained.

- c) Each public library that is determined to be eligible shall annually update its public library facilities plan and submit the revised plan to the State Librarian for approval.
- d) Eligible libraries are qualified for a library construction project grant, but are not guaranteed receipt of a grant.
- e) Grant applications are subject to the conditions stipulated in Section 3035.140.
- f) In Fiscal Year 2013 and in subsequent fiscal years, grant applications are due on April 15 prior to the fiscal year in which a grant award will be made. In the case of a disaster described in Section 3035.525(a)(1), a library may submit an application for a Public Library Construction Act grant at any time.
- g) In all projects in which the acquisition of property is pending as permitted in Section 3035.565(c), supporting documentation related to the project site shall be provided before a grant award is made.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART F: TALKING BOOK AND BRAILLE SERVICE (TBBS)

Section 3035.640 Application for Grant

- a) The geographic boundaries of a TBC, AOC₂ and MSLA shall be those boundaries approved by the State Librarian. In setting TBC, AOC₂ and MSLA boundaries, the State Librarian shall place primary importance on the statewide implication of resource sharing, the efficient use of public funds, the impact on affected eligible patrons, and the impact on services provided by the affected TBC, AOC₂ and MSLA.
- b) To qualify for an annual grant as a TBC, AOC₂ or MSLA, the applicant entity shall be jointly designated by the Illinois State Library and the Library of Congress National Library Service for the Blind and Physically Handicapped to serve as a TBC, AOC₂ or MSLA. An annual contract with the State Library shall be executed that specifies the objectives and budget for the service. The applicants shall provide the information stipulated in Section 3035.135(d). The application shall also contain:
 - 1) A statement on the proposed use of the grant for which application is being made that shall ~~detail~~^{show} how grant funds will be used to expand TBC, AOC₂ and MSLA services to eligible patrons. Grant funds may be used for staff, materials, equipment₂ and services.

- 2) A report on the use of the previous year's grant, if a grant was received, that shall ~~detail~~~~show~~ how the grant was used and an evaluation detailing the impact of the program.
- 3) A certification stating that:
 - A) the grant funds will be kept in a separate account;
 - B) local funding for library service will not diminish as a result of the program;
 - C) the library shall submit reports, in accordance with Section 3035.140(b), on the use of grant funds as required by the Illinois State Library. The applicant must certify pursuant to 75 ILCS 10/3 that the applicant has adopted either the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the applicant agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.
- c) Funds allocated for statewide services under this program are awarded in the form of grants to units of government that are exempt from the Illinois Procurement Code.
- d) The State Library will maintain an updated list of TBCs, AOCs, and MSLAs on its ~~website~~~~Web site~~.

(Source: Amended at 47 Ill. Reg. _____, effective _____)

SUBPART G: LIBRARY SERVICES AND TECHNOLOGY ACT GRANTS (LSTA)

Section 3035.730 Grant Application and Awards

- a) Applications shall be submitted to the Illinois State Library in a manner prescribed by the State Librarian. Applicants shall provide the information stipulated in Section 3035.135(d).
- b) The Illinois State Library shall award grants subject to the conditions stipulated in Sections 3035.135 and 3035.140, 2 CFR 215 (2004) and 2 CFR 200 ([current version](#)~~2014~~).
- c) Awards shall be made on or after July 1 of every year for the fiscal year then commencing.
- d) The grant period shall be contained within the fiscal year in which the grant is awarded, unless otherwise specified in the grant agreement, but in no event shall the grant period continue for more than 3 years.
- e) The applicant must certify pursuant to 75 ILCS 10/3 that the applicant has adopted either the American Library Association's Library Bill of Rights that indicates materials should not be proscribed or removed because of partisan or doctrinal disapproval or provide a written policy that indicates the applicant will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material. Pursuant to 75 ILCS 10/3, an individual school library or public school district applicant may provide written procedures, currently in effect at the school or school district, that indicates its library or libraries will protect the intellectual freedom of the library user and shall prevent censorship of its library materials, ensuring that items are not withdrawn from its library collection merely because individuals or groups object to the material. The applicant shall certify that for grants made under this Section on or after January 1, 2024, and upon request of the State Librarian, the applicant agrees to provide the Illinois State Library with any final decision for the reconsideration of library materials during the term of the grant award.
- f) The applicant shall submit reports, in accordance with Section 3035.140(b), on the use of grant funds as required by the Illinois State Library.
- g) Obligations of the Illinois State Library to fund this grant program will cease immediately without penalty or further payment being required if the Institute of Museum and Library Services or the United States Congress fails to appropriate or otherwise make available sufficient funds. Award notification will be released upon legislative and gubernatorial approval of an appropriation.

(Source: Amended at 47 Ill. Reg. _____, effective _____)